

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IVAN HART,

Plaintiff,

v.

DANIEL HEYNS, *et. al.*,

Defendants.

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Case No. 12-14281

Honorable John Corbett O'Meara

**ORDER GRANTING PLAINTIFF'S MOTION TO APPEAL IN FORMA PAUPERIS**

This matter came before the court on plaintiff Ivan Hart's June 13, 2013 Motion to Proceed In Forma Pauperis. The standards governing *in forma pauperis* motions are set forth in 28 U.S.C. § 1915(a). The district court may authorize the commencement of an appeal of a civil action without the prepayment of fees or costs by a person who submits an affidavit that he or she "is unable to pay such fees or give security therefor." 28 U.S.C. § 1915(a)(1). The district court must examine the financial condition of the applicant to determine whether the payment of fees would cause an undue financial hardship. Prows v. Kastner, 842 F.2d 138, 140 (5th Cir.), cert.denied, 488 U.S. 941 (1988). In this case petitioner Hart's claim of indigence is supported by the information supplied in support of his application. The court concludes that paying the appellate filing fee is beyond his means.

Even when an applicant establishes indigence, however, the court must certify that the appeal is filed in good faith. The statute specifically provides that "[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The good faith standard is an objective one, and "good faith" will exist where a party

"seeks appellate review of any issue not frivolous." Coppedge v. United States, 369 U.S. 438, 445 (1962). In this case the court finds that the appeal is not frivolous.

**ORDER**

It is hereby **ORDERED** that plaintiff Ivan Hart's application for leave to appeal *in forma pauperis* is **GRANTED**.

s/John Corbett O'Meara  
United States District Judge

Date: July 19, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 19, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager